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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR. and
PATRICIA CAULEY on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS
AMERICA, INC. and SONY
ELECTRONICS INC.,

Defendants.

Civil Action No. 17-1775 (MCA) (SCM)

Document Electronically Filed

[PROPOSED] ORDER

THIS MATTER, having been opened to the Court by Defendant Samsung Electronics America, Inc. (“Samsung”), by its attorneys, Gibbons P.C. and Covington

& Burling LLP, for reconsideration of the Court's August 21, 2019 Order, or, in the alternative, to certify the August 21, 2019 Order for immediate interlocutory appeal pursuant to 28 U.S.C. § 1292(b); and the Court having considered the papers in support thereto; and good cause having been shown:

IT IS on this __ day of ____, 2019;

ORDERED that Defendant Samsung's motion for reconsideration is hereby granted; and it is further

ORDERED that the Court's August 21, 2019 Letter Order is hereby amended to reflect that Defendants' motions to dismiss the Fourth Claim for Relief in Plaintiffs' Second Amended Complaint is hereby granted, and therefore, the Plaintiffs' Second Amended Complaint is now dismissed in its entirety.

[OR, IT IS ALTERNATIVELY]

ORDERED that Defendant Samsung's motion to certify the August 21, 2019 Order as final, pursuant to 28 U.S.C. § 1292(b), for purposes of immediate interlocutory appeal from the Third Circuit Court of Appeals, be and hereby is granted; and it is further

ORDERED that the August 21, 2019 Order be and hereby is amended to reflect that, pursuant to 28 U.S.C. § 1292(b), the Court is of the opinion that (a) the August 21, 2019 Order, concerning the federal Wiretap Act in the Fourth Claim for Relief in Plaintiffs' Second Amended Complaint presents a controlling question of

law as to which there is a substantial ground for difference of opinion and (b) an immediate appeal of the August 21, 2019 Order may materially advance the ultimate termination of the litigation.

Hon. Madeline Cox Arleo, U.S.D.J.